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House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

SENATE BILL 1178

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11;
RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 4, Arizona Revised Statutes, is amended by adding article 11, to read:

ARTICLE 11. PATIENT SAFETY REPORTING AND
NONRETALIATORY POLICIES

36-450. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-3201.

2. "PROFESSIONAL STANDARDS OF PRACTICE" MEANS PRACTICING WITHIN THE SCOPE OF LICENSURE.

3. "RETALIATORY ACTION" MEANS TERMINATION OF OR OTHER ADVERSE ACTION AGAINST A HEALTH PROFESSIONAL'S EMPLOYMENT TAKEN BY A HEALTH CARE INSTITUTION BECAUSE THE PROFESSIONAL HAS MADE A REPORT PURSUANT TO THIS ARTICLE.

36-450.01. Reporting procedures

A. EACH HEALTH CARE INSTITUTION LICENSED PURSUANT TO THIS CHAPTER SHALL ADOPT A PROCEDURE FOR REVIEWING REPORTS MADE IN GOOD FAITH BY A HEALTH PROFESSIONAL CONCERNING AN ACTIVITY, POLICY OR PRACTICE THAT THE HEALTH PROFESSIONAL REASONABLY BELIEVES BOTH:

1. VIOLATES PROFESSIONAL STANDARDS OF PRACTICE OR IS AGAINST THE LAW.

2. POSES A SUBSTANTIAL RISK TO THE HEALTH, SAFETY OR WELFARE OF A PATIENT.

B. THE PROCEDURE SHALL INCLUDE REASONABLE MEASURES TO MAINTAIN THE CONFIDENTIALITY OF THE IDENTITY OF A HEALTH PROFESSIONAL PROVIDING INFORMATION TO A HEALTH CARE INSTITUTION PURSUANT TO THIS SECTION.

36-450.02. Nonretaliatory policy

A. EACH HEALTH CARE INSTITUTION LICENSED PURSUANT TO THIS CHAPTER SHALL ADOPT A POLICY THAT PROHIBITS RETALIATORY ACTION AGAINST A HEALTH PROFESSIONAL WHO IN GOOD FAITH:

1. MAKES A REPORT TO THE HEALTH CARE INSTITUTION PURSUANT TO THE REQUIREMENTS OF SECTION 36-450.01.

2. HAVING PROVIDED THE HEALTH CARE INSTITUTION A REASONABLE OPPORTUNITY TO ADDRESS THE REPORT, PROVIDES INFORMATION TO A PRIVATE HEALTH CARE ACCREDITATION ORGANIZATION OR GOVERNMENTAL ENTITY CONCERNING THE ACTIVITY, POLICY OR PRACTICE THAT WAS THE SUBJECT OF THE REPORT.

B. THIS SECTION DOES NOT PROHIBIT A HEALTH CARE INSTITUTION LICENSED PURSUANT TO THIS CHAPTER FROM TAKING ACTION AGAINST A HEALTH PROFESSIONAL FOR A PURPOSE NOT RELATED TO A REPORT FILED PURSUANT TO SECTION 36-450.01.

C. EXCEPT AS PROVIDED IN SECTION 23-1501, PARAGRAPH 3, SUBDIVISIONS (a), (c) AND (d), THIS SECTION SHALL ONLY BE ENFORCED THROUGH THE PROVISIONS OF THIS CHAPTER.

D. THERE SHALL BE A REBUTTABLE PRESUMPTION THAT ANY TERMINATION OR OTHER ADVERSE ACTION THAT OCCURS MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF A REPORT MADE PURSUANT TO EITHER SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION IS NOT A RETALIATORY ACTION.